

FILED
IN CLERKS OFFICE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2004 SEP 23 P 3:28

U.S. DISTRICT COURT
DISTRICT OF MASS.

BROOKSTONE COMPANY, INC.,

Plaintiff,

v.

SHARPER IMAGE CORPORATION,

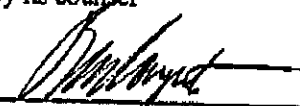
Defendant.

Case No. 04-10907-NMG

LOCAL RULE 16.1(D)(3) CERTIFICATE

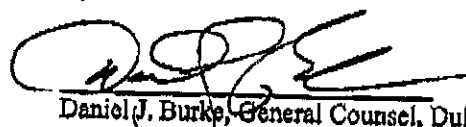
The undersigned hereby certify that the above-named plaintiff and their counsel have conferred (a) with a view to establishing a budget for the costs of conducting the full course (and various alternative courses) of this litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs, such as those outlined in Rule 16.4 of the Local Rules of this Court.

BROOKSTONE COMPANY, INC.
By its counsel


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DATE: September 23 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail and on 9/23/04